

REMARKS

Claims 1-21 are pending in this application. Claims 1, 4, 6, 11, 13, 15, and 18 have been amended. No new matter has been added. Favorable reconsideration and allowance of the pending claims are respectfully requested.

Claims 1-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Number (USPN) 6,714,985 to Malagrino et al. (“Malagrino”) in view of U.S. Patent Application No. 2002/0095512 to Rana et al. (“Rana”) and in further view of USPN 6,453,357 to Crow et al. (“Crow”). Applicant respectfully traverses the rejection.

Independent claim 1 has been amended to recite “each packet fragment includes a packet fragment header having a packet offset value and a more bit”, “said more bit set to a predetermined position indicating that more packet fragments are to follow”, and “determining whether all packet fragments for said packet have been received by determining a status of said more bit for each packet fragment.” Independent claims 11, 13, 15, and 18 have been similarly amended.

To form a *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. *See e.g.* MPEP § 2143.03. Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example.

Applicant submits that Malagrino, Rana, and Crow, taken alone or in combination, fail to teach or suggest each and every element of independent claims 1, 11, 13, 15, and 18, as amended. In particular, Malagrino, Rana, and Crow all fail to teach or

suggest at least a packet fragment header having a more bit set to a predetermined position indicating that more packet fragments are to follow and determining whether all packet fragments for a packet have been received by determining a status of the more bit for each packet fragment. Therefore, even if Malagrino, Rana, and Crow could be combined, which Applicant does not admit, such combination would still fail to teach or suggest all the features of amended independent claims 1, 11, 13, 15, and 18.

For at least the reasons set forth above, Applicant submits that independent claims 1, 11, 13, 15, and 18 are allowable and that dependent claims 2-10, 12, 14, 16, 17, and 19-21 are allowable by virtue of their dependency, as well as on their own merits. Accordingly, removal of the § 103(a) rejection of claims 1-21 is respectfully requested.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-21 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-9344 to discuss any matter concerning this application.

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Respectfully submitted,

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Under 37 CFR 1.34(a)

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